IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Crl.MC.No. 2087 of 2007()

CRIME NO. 45/06 OF SHOLAYAR POLICE STATION
AGAINST THE JUDGEMENT/ORDER IN BA.1255/2007 Dated 02/03/2007
CRMP.1870/2007 of SESSIONS COURT, PALAKKAD

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PETITIONER:

RANGI, W/O.VELLINGIRI, AGED 45
YEARS, KOVIL PARAMBIL HOUSE, PETTICKAL,
SHOLAYAR VILLAGE, MANNARKKAD TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.N.NAGARESH
SRI.SHAJI THOMAS PORKKATTIL

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
SHOLAYAR POLICE STATION,
SHOLAYAR.

BY PUBLIC PROSECUTOR SRI.M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2087 of 2007

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Dated this the 10th day of July, 2007

O R D E R

The petitioner, along with her husband and another, faces allegations under Sections 302 and 201 r/w. 34 I.P.C. The petitioner's husband allegedly wanted to marry the widowed sister of the petitioner. That lady allegedly had a lot of properties. The deceased refused to marry the husband of the petitioner and it is alleged that the husband of the petitioner caused the death of the deceased under lure of her properties. The petitioner is also alleged to be a colluding accused along with her husband. Her husband and another co-accused continue to be in custody. The petitioner was released on bail as per order dt. 24.1.2007 subject to conditions. One such condition imposed is that the petitioner should not enter the limits of Sholayar Police Station, within the jurisdiction of which the offence was committed.

2. The petitioner has come to this Court with a prayer to delete the said condition. The said condition remains in force for the past about six months - from 24.1.2007. The petitioner is a helpless woman. She will not in any way be able to tamper with the evidence.

The insistence that she must reside outside Sholayar Police Station is causing her very great hardship and difficulties. She is unable to make both ends meet. She is unable to get a house for occupation. Her property in her Village is being enjoyed by others with no one to protect the same. It is in these circumstances that the petitioner wanted the said condition to be deleted. The learned Sessions Judge rejected the said prayer and it is accordingly that the petitioner has come before this Court.

3. The learned Prosecutor opposes the application urging that the deletion of the condition would bring the petitioner herself to great risk. The local people are so antagonised. The police apprehend that the safety of the petitioner would be threatened. It is further alleged that the petitioner might attempt to influence the witnesses.

4. Having considered all the relevant inputs, I am of the opinion that the prayer of the petitioner can now be allowed subject to appropriate conditions. In coming to this conclusion, I have taken note of all the relevant aspects, including the period during which the condition has remained. Appropriate safeguards can also be insisted.

5. This Crl.M.C. is allowed. The said condition - Condition No.2 as per order 24.1.2007 - is hereby deleted, but with the rider that the petitioner

must report before the S.H.O., Sholayar Police Station between 5 p.m. and 6 p.m. on all Mondays, Wednesdays and Fridays until further orders. It is further directed that the petitioner shall not contact any witnesses, including the children of her deceased sister, after she enters the Sholayar Police Station limits.

(R. BASANT)
Judge

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